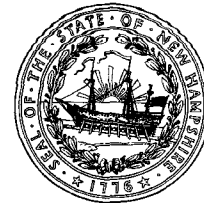




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 22, 2006

LETTER OF DEFICIENCY #WSEB 06-142
Certified Mail #7000 1670 0001 2915 5987

William Egan
53 Pickard Rd
Canterbury, NH 03224

Subject: Canterbury - Public Water System: Canterbury Children Center (EPA #0375030)

Dear Mr. Egan:

The records of the NH Department of Environmental Services ("DES") show that Canterbury Children Center is classified as a public water system ("PWS"), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 320 through 330.

The enforceable maximum contaminant level ("MCL") for Arsenic is 0.010 mg/L. For systems on quarterly monitoring, compliance with the MCL is determined by the running annual average ("RAA"). The RAA is defined as the average of sample results collected over the last 12 month period. DES has determined the most recent RAA for Source 501: Outside Tap Barn Side After Treatment/001 to be 0.021 mg/L. As such, Canterbury Children Center has exceeded the Arsenic MCL and a violation of Env-Ws 326.10 has occurred.

DES records show that the subject water system exceeded the MCL for Arsenic for the second and third quarters of 2006 and as a result, two MCL Notices of Violation ("NOV"s) were issued to the water system. Pursuant to Env-Ws 351, the NOV's noted the requirement that public notice of the Arsenic MCL violations be performed within 30 days and that proof of public notice be sent to DES within 10 days of performing such public notice.

To date, no proof of public notice has been received by DES for the second quarter 2006 Arsenic MCL violation, thus placing the water system in violation of Env-Ws 351. The third quarter proof of public notice is not overdue at this point.

DES records also show that the subject water system failed to submit the following chemical sample result for the following monitoring period:

Quarter 2 2006 – Inorganic Compounds (IOC)

As a result of the failure to submit the above-described sample, a Monitoring and Reporting ("M/R") NOV, dated **August 16, 2006** was sent to you. The MR NOV requested that you immediately submit the above-described sample as a make-up sample. To date, results of a make up sample have not been received by this office.

DES believes the MCL and MR violations can be corrected and future violations prevented by taking the following actions:

1. **By September 30, 2006**, submit the IOC sample as a "make-up sample" to the State laboratory or a State-certified laboratory. Please use the enclosed analysis request form when submitting the sample to your laboratory. If the sample has already been collected, submit the results to our office by the established deadline; and
2. **As soon as possible**, but no later than **September 30, 2006**, provide public notice of the second and third quarter arsenic MCL violations following the guidelines on the enclosed public notice handout. Continue providing public notice **each calendar quarter** for as long as the violation occurs; and
3. **Within 10 days** of providing notice, submit proof of public notice to this office following the guidelines on the enclosed public notice handout; and
4. **By October 23, 2006**, retain the services of a qualified consultant to address the water quality violation(s) and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data and all feasible options prior to making recommendations to the owner for correcting the MCL violation(s). Guidance on options to correct the MCL violation and the recommended contents of a consultant's report are enclosed; and
5. **By December 22, 2006**, submit to DES the consultant's report, which shall contain the consultant's evaluation of feasible options, cost estimates, identification and justification of which option the owner has selected to implement, along with a timeline and final correction date to resolve the MCL violation(s). A maintenance schedule must be included if treatment is proposed. DES will approve the consultant's report, in writing, and specify the next submission deadline. A consultant's report determined to lack comprehensiveness will not be approved; and
6. **By the submission date established by DES** in the above-mentioned approval letter, submit to DES all engineering/technical documents for the design of the selected option. DES must review and approve, in writing, any engineering/technical documents prior to the commencement of any work on the system. Note that engineering plans for systems serving more than 50 service connections or 20,000 gpd must be stamped by a professional engineer; and
7. **By the DES-approved correction date**, take the corrective action as approved by DES. Notify DES in writing upon completion of the action(s) taken; and

8. Continue to sample in accordance with your Master Sampling Schedule, which includes quarterly sampling for Arsenic.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**All information as requested above should be addressed as follows
or faxed to (603) 271-5171:**

Leah McKenna
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

For your information, a fact sheet on Arsenic is available at: <http://www.des.state.nh.us/ws.htm>, which includes general information, health effects and removal options. Also enclosed is a summary of the expected content of consultant report submittals for your review. Please be reminded that proposed treatment alternatives should take into consideration all water quality parameters as well as current and future quantity needs.

In addition to your operator, assistance may be available to you through a variety of sources. DES staff member Cindy Klevens, P.E. may be able to answer questions concerning treatment for the aforementioned contaminant(s). She may be reached at (603) 271-3108 or via email at cklevens@des.state.nh.us. Also, financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are Granite State Rural Water Association ((603) 753-4055) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is (603) 271-4608. If you have any questions regarding this letter, please contact Leah McKenna, at (603) 271-0655 or by email at lmckenna@des.state.nh.us.

Sincerely,

COPY

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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Encl Public Notice Template
 Analysis request form – makeup version
 Report submittal information sheets

cc w/ encl(s): John Benham, Primary Operator

cc: Gretchen R. Hamel, DES Legal Unit Administrator
BJ Entwisle, MD, Town of Canterbury Health Officer
EPA, Region 1
File

cc: Cindy Klevens, P.E., DES
Dave Gordon, DES BEOH
Jack Shields, GSRWA
Robert Morancy, RCAP Solutions, Inc.